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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,005	06/26/2000	Atsushi Kawai	44376-030	2749

7590 10/07/2003

McDermott Will & Emery  
600 13th Street NW  
Washington, DC 20005-3096

EXAMINER
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LAMB, TWYLER MARIE

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/604,005

Applicant(s)

KAWAI, ATSUSHI

Examiner

Twyler M. Lamb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al. (Wang) (US 6,526,155).

With regard to claim 1, Wang discloses an image forming apparatus (water mark embedding device 200) comprising: an interface (interface 210) for receiving image data (col 3, lines 23-25); a memory (watermark storage device 240) for storing the additional images (col 3, lines 17-22); a text area discriminating unit (halftone screen modifier 250) for discriminating text areas based on image data received at said interface (col 4, lines 35-46); an image synthesizing unit (halftoning device 260) for synthesizing additional images stored in said memory into the text areas discriminated by said text area discriminating unit (col 4, lines 46-50); and a printer engine (image output device 320)

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for forming the synthesized images a synthesized by said image synthesizing unit (col 4, lines 46-50).

With regard to claim 2, Wang also discloses wherein said text discriminating unit discriminates text areas based on cyclicities of density distributions of images (col 4, lines 35-46).

With regard to claim 3, Wang also discloses wherein said text discriminating unit discriminates text areas based on a number of pixels having densities higher than a predetermined value (col 4, lines 35-46).

With regard to claim 4, Wang also discloses further comprising a color discriminating unit for discriminating text colors in text areas, wherein said image synthesizing unit synthesizes additional images with colors different from the color discriminated by said color discriminating unit (col 4, lines 35-59).

With regard to claim 5, Wang also discloses further comprising a scanner, wherein said interface receives image data that obtained by said scanner (col 3, lines 61-67).

With regard to claim 6, Wang also discloses wherein said additional images are used for advertisement (col 1, lines 12-23).

With regard to claim 7, Wang discloses an image forming apparatus (water mark embedding device 200) comprising: an interface (interface 210) for receiving image data (col 3, lines 23-25); a memory (watermark storage device 240) for storing the additional images (col 3, lines 17-22); an area discriminating unit (halftone screen modifier 250) for discriminating non-text areas based on image data received at said interface (col 4,

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lines 35-46); an image synthesizing unit (halftoning device 260) for synthesizing additional images stored in said memory into areas except for the non-text areas discriminated by said area discriminating unit (col 4, lines 46-50); and a printer engine (image output device 320) for forming the synthesized images a synthesized by said image synthesizing unit (col 4, lines 46-50).

With regard to claim 8, Wang also discloses wherein said non-text areas include vacant areas, photograph areas, and graphic areas (col 1, lines 24-37).

With regard to claim 9, Wang also discloses further comprising a scanner, wherein said interface receives image data that are 0 obtained by said scanner (col 3, lines 61-67).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Twyler Lamb whose telephone number is 703 - 308-8823. The examiner can normally be reached on M-TH (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles can be reached on 703-308-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9314 for After Final communications.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, DC 20231

or faxed to:

(703) 872-9314

(for informal or draft communications, such as proposed amendments to be

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discussed at an interview; please label such communications "PROPOSED" or  
"DRAFT")

or hand-carried to:

Crystal Park Two  
2121 Crystal Drive  
Arlington, VA.  
Sixth Floor (Receptionist)

Twyler Lamb

A handwritten signature in black ink, appearing to be 'TJ' or similar, written over the printed name Twyler Lamb.

September 30, 2003